

107TH CONGRESS
1ST SESSION

S. 1664

To require country of origin labeling of raw agricultural forms of ginseng,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2001

Mr. FEINGOLD introduced the following bill; which was read twice and
referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require country of origin labeling of raw agricultural
forms of ginseng, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ginseng Truth in La-
5 beling Act of 2001”.

6 **SEC. 2. DISCLOSURE OF COUNTRY OF ORIGIN.**

7 (a) DEFINITION OF GINSENG.—In this section, the
8 term “ginseng” means any herb or herbal ingredient
9 that—

1 (1) is a part of any plant of the genus *Panax*;
2 and

3 (2) is offered for sale in or as a food or dietary
4 supplement under the name of “ginseng”.

5 (b) DISCLOSURE.—

6 (1) IN GENERAL.—A person that offers ginseng
7 for sale as a raw agricultural commodity shall dis-
8 close to potential purchasers the country of origin of
9 the ginseng.

10 (2) IMPORTATION.—A person that imports gin-
11 seng into the United States shall disclose the coun-
12 try of origin of the ginseng at the point of entry of
13 the United States, in accordance with section 304 of
14 the Tariff Act of 1930 (19 U.S.C. 1304).

15 (c) MANNER OF DISCLOSURE.—

16 (1) IN GENERAL.—The disclosure required by
17 subsection (b) shall be provided to potential pur-
18 chasers by means of a label, stamp, mark, placard,
19 or other clear and visible sign on the ginseng or on
20 the package, display, holding unit, or bin containing
21 the ginseng.

22 (2) EXISTING LABELING.—If ginseng is labeled
23 regarding country of origin by the packer or im-
24 porter or another person, a retailer of the ginseng

1 shall not be required to provide any additional dis-
2 closure to comply with subsection (b).

3 (3) REGULATIONS.—The Secretary of Agri-
4 culture may by regulation prescribe with specificity
5 the manner in which disclosure shall be made in
6 transactions at wholesale or retail (including trans-
7 actions by mail, telephone, or Internet or in retail
8 stores).

9 (d) FAILURE TO DISCLOSE.—The Secretary of Agri-
10 culture may impose on a person that fails to comply with
11 subsection (b) a civil penalty of not more than—

12 (1) \$1,000 for the first day on which the failure
13 to disclose occurs; and

14 (2) \$250 for each day on which the failure to
15 disclose continues.

16 **SEC. 3. LABELING.**

17 (a) USE OF THE NAME GINSENG.—Section 403B of
18 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 343–2) is amended—

20 (1) in subsection (a), by redesignating para-
21 graphs (1), (2), (3), (4), and (5) as subparagraphs
22 (A), (B), (C), (D), and (E), respectively, and indent-
23 ing appropriately;

1 (2) by striking the section heading and all that
 2 follows through “A publication” and inserting the
 3 following:

4 **“SEC. 403B. DIETARY SUPPLEMENT LABELING.**

5 “(a) EXEMPTIONS.—

6 “(1) IN GENERAL.—A publication”;

7 (3) by striking “(b) APPLICATION.—Subsection
 8 (a) shall” and inserting the following:

9 “(2) APPLICABILITY.—Paragraph (1) does”;

10 (4) by striking “(c) BURDEN OF PROOF.—In
 11 any proceeding brought under subsection (a),” and
 12 inserting the following:

13 “(3) BURDEN OF PROOF.—In a proceeding to
 14 determine whether a publication does not constitute
 15 labeling by reason of paragraph (1),”; and

16 (5) by adding at the end the following:

17 “(b) USE OF THE NAME GINSENG.—For the pur-
 18 poses of section 403, the name ‘ginseng’ or any name that
 19 includes the word ‘ginseng’ shall be used in reference only
 20 to an herb or herbal ingredient that—

21 “(1) is a part of a plant of 1 of the species of
 22 the genus *Panax*; and

23 “(2) is produced in compliance with United
 24 States law regarding the use of pesticides.”.

1 (b) ENFORCEMENT PLAN.—Not later than 180 days
2 after the date of enactment of this Act, the United States
3 Commissioner of Customs, the Commissioner of Food and
4 Drugs, the Administrator of the Environmental Protection
5 Agency, the Attorney General, and the Federal Trade
6 Commission shall jointly submit to Congress a plan to
7 achieve effective enforcement of the law prohibiting the
8 importation of dietary supplements mislabeled as ginseng.

9 **SEC. 4. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act take
11 effect on the date that is 180 days after the date of enact-
12 ment of this Act.

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